

FIRST REGULAR SESSION

# SENATE BILL NO. 240

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRAY.

Read 1st time January 26, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

1391S.011

## AN ACT

To amend chapter 389, RSMo, by adding thereto one new section relating to regulation of contract carriers that transport railroad employees, with penalty provisions.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 389, RSMo, is amended by adding thereto one new section, to be known as section 389.948, to read as follows:

**389.948. 1. The provisions of this section shall only apply to contract carriers that transport railroad employees under the terms of a contractual agreement with a railroad corporation on a road or highway of this state in a vehicle designed to carry eight or fewer passengers, including the driver. As used in this section, the term "contract carrier" has the meaning set forth in section 390.020, RSMo.**

**2. A contract carrier that transports railroad employees shall:**

**(1) Require each driver under their employ who transports railroad employees to have a valid chauffeur's license (class E license) issued under the provisions of chapter 302, RSMo, and applicable regulations;**

**(2) Require an application for employment from each prospective driver which shall include the applicant's most recent driving record from the state he or she is currently legally licensed in or written authorization from the applicant to the contract carrier for release of applicant's records to the contract carrier;**

**(3) Conduct a review of the driving record of each applicant prior to hiring; and**

**(4) Maintain a personnel file that includes a driving record for each driver who transports railroad employees.**

21           3. A contract carrier that transports railroad employees shall  
22 limit the hours of service by a driver who transports railroad  
23 employees to sixteen hours of total on duty time within any twenty-four  
24 hour period.

25           4. A contract carrier that transports railroad employees shall  
26 require a driver who has twelve hours of actual vehicle operation  
27 within any twenty-four hour period or sixteen hours of total on duty  
28 time within any twenty-four hour period to have at least eight  
29 consecutive hours off duty before operating a vehicle under their  
30 employ again.

31           5. A contract carrier who transports railroad employees shall  
32 maintain individual daily time records for a minimum of six months  
33 indicating the times all for-hire motor carrier drivers employed by  
34 them reported for duty, the corresponding times of relief from duty,  
35 total time driven each day, total time on duty each day, and total time  
36 off duty for each day. All records required to be maintained under this  
37 section shall be made available for inspection to the director of the  
38 department of transportation or the director's designee.

39           6. Each contract carrier shall maintain liability insurance in an  
40 amount not less than one million five hundred thousand dollars for  
41 each vehicle used to transport railroad employees.

42           7. Any contract carrier, driver of a vehicle that transports  
43 railroad employees, or any other person who violates the provisions of  
44 this section or any regulations promulgated thereto, shall be guilty of  
45 a class B misdemeanor.

46           8. The provisions established in this section shall be considered  
47 minimum standards and shall not be construed to supercede or  
48 abrogate any law, rule, or regulation which imposes stricter standards  
49 or regulations upon the operation of contract carriers that transport  
50 railroad employees.

51           9. The Missouri highways and transportation commission shall  
52 promulgate rules and regulations to implement and administer the  
53 provisions of this section. Any rule or portion of a rule, as that term is  
54 defined in section 536.010, RSMo, that is created under the authority  
55 delegated in this section shall become effective only if it complies with  
56 and is subject to all of the provisions of chapter 536, RSMo, and, if  
57 applicable, section 536.028, RSMo. This section and chapter 536, RSMo,

58 are non severable and if any of the powers vested with the general  
59 assembly pursuant to chapter 536, RSMo, to review, to delay the  
60 effective date, or to disapprove and annul a rule are subsequently held  
61 unconstitutional, then the grant of rulemaking authority and any rule  
62 proposed or adopted after August 28, 2009, shall be invalid and void.

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Unofficial

Bill

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